

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Dig Safe Notice No. 791

In Re: Vermont Telephone Company, Inc., Alleged       )  
Violation of September 13, 2010, as reported by       )  
Vermont Telephone Company, Inc.                        )

Order entered: 9/13/2011

**ORDER RE: NOTICE OF PROBABLE VIOLATION**

**Background**

1. Pursuant to 30 V.S.A. § 7001 et. seq., and Vermont Public Service Board Rule 3.800, the Vermont Department of Public Service ("Department") issued a Notice of Probable Violation of Underground Utility Damage Prevention System ("NOPV") to Vermont Telephone Company, Inc. ("Respondent").
2. Incident Date: September 13, 2010
3. Incident Location: 4 Main St., Grafton, VT
4. Name and Address of Company that Reported the Incident to the Department: Vermont Telephone Company, Inc., 354 River Street, Springfield, VT 05156-2005
5. Date Incident Reported to Effected Utility: September 13, 2010
6. Date NOPV issued by Department: July 18, 2011 (#2004)
7. Department's Statement of Evidence Supporting the Alleged Violation: "The Department of Public Service investigated this incident and determined the following details. On 8/30/10, Stevens Ground Maintenance made a notice of excavation activities to Dig Safe System Inc. Vermont Telephone did not locate and mark all of its underground facilities in the area of the proposed excavation. During the course of the excavation an unmarked Vermont Telephone service wire was struck and damaged by Stevens Ground Maintenance, using a shovel. This damage resulted in a service outage for approximately 2 hours. Stevens Ground Maintenance notified Vermont Telephone of the damaged facility. The Department of Public Service issued 1 Notice of Probable Violation (NOPV) to Vermont Telephone during the 12 months preceding this incident."
8. Statute, Rule, Regulation or Order Allegedly violated: 30 V.S.A. § 7006

9. The Department's Recommended Remedial Action(s) (Including Civil Penalties): Civil penalty in the amount of Five Hundred Dollars (\$500.00).
10. The Respondent has agreed to take the remedial action(s) recommended by the Department.<sup>1</sup>

### **Conclusion and Order**

Because the Respondent has not contested the NOPV, or the allegations therein, we conclude that the remedial action proposed in the NOPV is appropriate, and should be imposed.<sup>2</sup>

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

Within thirty days of the date of this Order, Vermont Telephone Company, Inc., shall pay a civil penalty in the amount of Five Hundred Dollars (\$500.00) by submitting to the Public Service Board a check in that amount made payable to the State of Vermont, and sent to the Public Service Board at 112 State Street, Montpelier, VT 05620-2701.

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1. *See*, Respondent's filing of 7/28/11.

2. *See*, Public Service Board Rule 3.807(G).

Dated at Montpelier, Vermont, this 13<sup>th</sup> day of September, 2011.

<u>s/ James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/ David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/ John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: September 13, 2011

ATTEST: s/ Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.*